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Letter dated 26 April 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 16 January 2004 (S/2004/57). The Counter-Terrorism Committee has received the attached fourth report from El Salvador submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: Spanish]

Letter dated 21 April 2004 from the Permanent Representative of El Salvador to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to your Note of 9 January 2004, I have the honour to attach herewith the fourth report of El Salvador submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Victor Manuel **Lagos Pizzati**
Ambassador
Permanent Representative

Enclosure

Fourth report of the Republic of El Salvador submitted pursuant to Security Council resolution 1373 (2001)

Replies to the observations of the Counter-Terrorism Committee on the report submitted by El Salvador pursuant to resolution 1373 (2001)

16 April 2004

Implementation measures

Effectiveness in the protection of the financial system

1.1 Effective implementation of subparagraph 1 (a) requires States to have in place effective executive machinery for preventing and suppressing the financing of terrorist acts. In this regard the CTC would be content to know how El Salvador achieves appropriate cooperation and information-sharing among the various government agencies involved in investigating the financing of terrorism (e.g. police, customs, Financial Intelligence Units (FIUs) and other competent authorities).

The aforementioned agencies are responsible for ensuring cooperation and sharing or providing information, either through a specific regulation or in the greater public interest as part of the investigation of criminal activities. At the international level, such cooperation takes place through the implementation of international treaties; it is also very useful that El Salvador's Financial Investigation Unit is a member of international bodies such as the Egmont Group and the Caribbean Financial Action Task Force (CFATF).

The Financial Investigation Department of the National Civil Police works under the functional management and coordination of the Financial Investigation Unit in the Office of the Attorney-General of the Republic.

Information on individuals, institutions and other organizations with links to international terrorism is also received from the embassies of other countries; such information is kept on file. (Source: Financial Crimes Investigation Division)

At the institutional level, information sources have been established through the various government offices with the help of the Ministry of the Interior in the executive branch. In the area of intelligence, the retrieval of relevant information from the various offices of the Salvadoran Government has been harmonized and integrated. (Source: Police Intelligence Centre)

1.2 As regards the effective prevention and suppression of the financing of terrorism, does the Government of El Salvador (or another appropriate supervisory authority) provide training to administrative, investigative, prosecutorial and judicial authorities with a view to enforcing laws concerning:

- **Typologies and trends related to terrorist financing methods and techniques;**

– **Techniques used to trace property which represents the proceeds of crime or which is to be used to finance terrorism with a view to ensuring that such property is seized, frozen and confiscated?**

Please outline relevant programmes and/or courses. What mechanisms/programmes has El Salvador in place to train the different economic sectors to detect suspicious and unusual transactions related to terrorist activities and to prevent the movement of illicit monies?

The Government of El Salvador, through its institutions, provides the relevant authorities with training at the national and international levels. In addition, El Salvador's membership in international groups (the Egmont Group, CFATF and the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS)) has established a direct line of communication and has given it access to knowledge, experience and information on the impact of money-laundering and terrorist financing.

1.3 In relation to the monitoring mechanism established to ensure that funds and other economic resources are not applied to purposes other than their stated purposes, El Salvador states, in its supplementary report (at pages 3 and 4), that it intends "to introduce norms in implementation of the recommendations of the Financial Action Task Force (FATF) and the Group of Experts on Money-Laundering of the Inter-American Drug Abuse Control Commission of the Organization of American States (CICAD/OAS), adopted in Mexico, D.F., in July 2002, concerning the regulations and registration of non-profit organizations". The CTC would be content for a progress report on the development of this process.

As we have stated, non-profit organizations should be placed under a reporting obligation under article 2 of the Money-Laundering Act; however, they have not yet been regulated in this manner.

1.4 As regards the suppression of the financing of terrorism as required by subparagraph 1 (a) of the resolution, the CTC would appreciate learning whether the Financial Investigation Unit of El Salvador has sufficient resources (human, financial and technical) to enable it to carry out its mandate. Please provide appropriate data in support of your response.

First, the Financial Investigation Unit has the necessary legal tools to carry out its mandate. It also has an office specifically designed to meet the standards required for carrying out that mandate; the office's human resources will be increased for that purpose. Government agencies are provided with the necessary financial resources. They have their own technical resources, and the implementation of international programmes provides additional sources of funding.

1.5 Subparagraph 1 (a) of the resolution requires financial institutions and other intermediaries to identify their clients and to report suspicious financial transactions to the relevant authorities. In this regard, could El Salvador provide the CTC with the number of suspicious transaction reports (STRs) received by its Financial Investigation Unit, the number of STRs analysed and disseminated, as well as the number of STRs which have resulted in investigations, prosecutions and convictions?

Since 1999, the Financial Investigation Unit has received and analysed 242 STRs. All 242 reports were investigated; 23 of them resulted in prosecutions and there was one conviction in 2003.

1.6 In regard to the implementation of subparagraphs 1 (a) and (d), the CTC would be grateful to know the number of cases in which penalties were imposed, for the provision of support to terrorists or terrorist organisations, on:

– Non-profit organizations;

– Financial and non-financial institutions;

– Other financial intermediaries.

No penalties have been imposed for the provision of support to terrorist organizations.

1.7 As regards the implementation of subparagraphs 1 (a) and (c) of the resolution, as well as article 8 of the International Convention for the Suppression of the Financing of Terrorism, the CTC would appreciate it if El Salvador could outline its legal provisions in relation to confiscation or other deprivation mechanisms. Please describe how these procedures operate in practice, indicating, inter alia, the authorities responsible for their implementation. Can El Salvador confiscate the proceeds of a crime without first obtaining the conviction of its perpetrator (i.e. in rem confiscation)? If not, is the introduction of such a system envisaged? The CTC would welcome receiving an account of any appellate procedures allowing for the review on appeal of the decisions taken by any such authority or agency. Please indicate the magnitude of the financial assets frozen, seized or confiscated in regard to the prevention of the financing of terrorism.

The confiscation of objects, which does exist in El Salvador, is defined as the act by which property or other items which may be used as evidence, or which are related to the crime or subject to confiscation, are introduced into the criminal proceedings under article 180 et seq. of the Code of Criminal Procedure.

Article 25 of the Money-Laundering Act states that: "In case of urgent need, the Attorney-General of the Republic may order the freezing of the bank accounts of the accused, as well as the funds, rights or other property under investigation, in crimes to which this Act refers. However, they may be frozen only for a maximum of 10 days, during which time a report must be made to the competent judge, who shall determine whether or not there are reasonable grounds for that measure under the law ..."

It should also be noted that under article 24 of the Money-Laundering Act, banking secrecy and tax confidentiality may be lifted for the purposes of identifying the proceeds and/or instruments of a crime. It is highly unlikely that El Salvador would order the permanent confiscation of an asset without first obtaining the conviction of its perpetrator; this is not specifically envisaged in our legislation. **Thus far, there have been no proposals to introduce such a system.** The only procedure allowing for the review of such decisions is annulment, which must be ordered by the court which handed down the decision appealed against; the constitutional remedy of amparo is also available in the case of arbitrary acts committed by civil servants.

There are no statistics on financial assets frozen, seized or confiscated in regard to the prevention of the financing of terrorism because no such action has been taken in respect of any assets whatsoever.

Effectiveness of counter-terrorism machinery

1.8 In the context of the effective implementation of the resolution, the CTC would be grateful if El Salvador could provide it with information regarding its counter-terrorist efforts including, inter alia, an outline of any targeted programmes, the agencies involved, and the functioning of any mechanism aimed at ensuring inter-agency coordination in the areas specified in paragraphs 2 and 3 of the resolution. The CTC is particularly interested in the following areas:

- **Recruitment to terrorist groups;**
- **Tracing links between criminal activities (in particular, drug trafficking) and terrorism;**
- **Preventing the establishment of terrorist safe havens and of other forms of passive or active support for terrorists or terrorist groups.**

The Central American armed forces, through the Conference of Central American Armed Forces (CFAC), have developed counter-terrorism cooperation mechanisms by establishing ongoing links with each country in order to monitor and exchange information regarding the situation of counter-terrorism, organized crime and related activities. A plan establishing the specific activities which each of the armed forces will carry out in order to combat this scourge is also being implemented.

The armed forces maintain a close relationship with the National Civil Police (PNC) in order to provide the necessary support, upon request, through its special units (a Special Anti-Terrorist Command) and another unit; they are structured in a manner which allows them to provide support for any counter-terrorism activity.

The armed forces have special units that are trained to provide security or support in counteracting any terrorist action against a possible terrorist target, provided that the President of the Republic orders it.

Appraisals are being carried out continually, with a view to determining and taking appropriate actions to counteract any threat, and are shared by all Central American countries every year at the Conference of Central American Armed Forces (CFAC). Through agreements made at the Conference, a programme is being developed in line with the appraisals that determines specific actions aimed at counteracting any of the threats under consideration.

In compliance with their constitutional mandate and by order of the President of the Republic, the armed forces have supported the Ministry of Finance and the National Civil Police by providing assistance with activities relating to border control. The Special Brigade for Military Security also keeps border areas under permanent surveillance, preventing any act that might violate national sovereignty.

The National Civil Police (PNC) is party to the Regional Programme to Combat Organized Crime, which covers, among other things, the following illicit activities: contraband; money-laundering; illegal trade in arms, ammunition,

explosives and similar materials; migrant smuggling; terrorism; drug-related activities; kidnapping.

Following the terrorist attacks in Spain on 11 March 2004, the police implemented a series of domestic preventative measures, with the aim of protecting and guaranteeing the normal conduct of the 2004 presidential elections. Actions included preventative patrols for commercial infrastructures, areas with a high concentration of people, and some embassies and hotels. Sources of information were mobilized and security was reinforced at El Salvador's international airport, the Ilopango air base and maritime ports.

At the inter-agency level, expedited channels of communication have been established for the exchange of information between the PNC and Interpol and other State institutions.

As part of a national strategy, the police has continued to support the Directorate-General of Migration (DGM) by undertaking and stepping up migration registration and controls at the national level. The DGM also liaises and coordinates directly with the PNC Border Division regarding those persons who might have possible terrorist links.

Controls to prevent drug trafficking have been established. The Anti-Narcotics Division is a special unit set up to fight drug trafficking and other related illicit activities. Its ongoing police operations to combat this scourge have earned it the backing of United States authorities.

At the level of police intelligence and investigations, possible terrorist links have been sought by evaluating and analysing information of interest to the police in relation to persons and organizations that might commit a terrorist act or related crimes, including illegal trade in arms, trafficking in persons and other possible crimes.

In accordance with the new legislation, the Attorney-General's Office has the necessary and appropriate mechanisms to investigate any type of offence, and the courts of law are responsible for criminal prosecutions, with the support of the PNC as an auxiliary organ.

1.9 The effective implementation of legislation covering all aspects of Security Council resolution 1373 (2001) requires States to have in place effective and coordinated executive machinery and to create and utilize appropriate national and international counter-terrorist strategies. In this context, does El Salvador's counter-terrorist strategy and/or policy targeting (at the national and/or subnational levels) deal with the following forms or aspects of counter-terrorist activities:

- **Criminal investigation and prosecution;**
- **Counter-terrorist intelligence (human and technical);**
- **Special forces operations;**
- **Physical protection of potential terrorist targets;**
- **Strategic analysis and forecasting of emerging threats;**
- **Analysis of the effectiveness of anti-terrorist legislation and related amendments;**

– **Establishment of controls aimed at preventing the trafficking in drugs, arms, biological and chemical weapons, their precursors and the illicit use of radioactive materials?**

Could El Salvador outline its legal provisions, administrative procedures as well as its best practices in this regard? Does El Salvador monitor or review its counter-terrorist mechanisms, both legislative and executive, with a view to improving their effectiveness and enabling them to adapt to developing or evolving situations?

Salvadoran legislation empowers the Attorney-General's Office to give the PNC the functional management of investigating and prosecuting all unlawful activities, including terrorism.

Institutionally, the PNC, as part of the Inter-agency Group against Terrorism (GRICTE), has given its legal support to analysing all relevant international instruments in order to elaborate new anti-terrorist legislation.

Inter-agency support has been received for general and specific cases where it has been necessary to process, supplement and analyse information.

In relation to police counter-terrorist intelligence, various mechanisms of information exchange and mutual support between the police and the other intelligence departments are now operative.

Joint simulation exercises have been held with the Police Reaction Group and the Special Anti-Terrorist Command of the Ministry of Defence's Special Forces. Inter-agency communication and coordination are also constantly maintained.

The Basic Anti-Terrorism Course has been provided to members of the Police Reaction Group.

1.10 In the context of the effective implementation of subparagraph 2 (e), could El Salvador inform the CTC as to the number of persons prosecuted for:

– **Terrorist activities;**

– **Financing of terrorist activities;**

– **Recruiting to terrorist organizations;**

– **Providing or inviting support for terrorists or terrorist organizations?**

How many persons have been prosecuted for inviting support (including recruitment) for:

– **Proscribed organizations;**

– **Other terrorist groups or organizations?**

It is not possible to refer to prosecutions in legal terms because no one has yet been accused of such activities. It is possible to categorically state that El Salvador offers full and diligent international cooperation in relation to the lists or rosters disseminated by countries or the United Nations Security Council with a view to investigating the named persons.

In relation to the financing of terrorist activities, however, the PNC advises that it could report the case of the Italian Leonardo Bertulazzi, linked to the Italian Red Brigade, in which the Financial Investigation Unit of the Attorney-General's

Office was responsible for the operational management of the case, with the full support of the Interpol office in El Salvador. The individual was arrested in Argentina on 3 November 2002 but was later released.

1.11 El Salvador, in its supplementary report (at pages 17-24), describes the authorities responsible for the fight against terrorism. El Salvador also refers in its first report (at pages 4 and 21) to the creation of an Inter-agency Group against Terrorism (GRICTE) as well as a National Commission on National Security. The CTC would be grateful for information as to how the work of those agencies and of the other agencies entrusted with the implementation of resolution 1373 is coordinated. Could El Salvador outline the legislative provisions, administrative mechanisms and practical tools and procedures which it provides for its competent counter-terrorist bodies? Could El Salvador also indicate how it maintains appropriate levels of interaction and coordination between the law enforcement, intelligence and other bodies charged with combating terrorism?

The means of coordination are reflected in the international reports submitted by the Salvadoran Ministry of Foreign Affairs. Coordination is carried out through the national focal point, with periodic meetings on training, follow-up and compliance with provisions and requirements. The meetings are held at the level of the four subcommissions that comprise GRICTE, which is based on resolution 1373 (2001). No legal provisions exist in this regard; however, the preliminary draft special counter-terrorism act is currently being studied. Administrative mechanisms are carried out through the coordination of the Attorney-General's Office, the PNC and the Superintendency of the Financial System (SSF). Owing to the nature and autonomy of the institutions concerned, interaction and coordination are carried out through designated liaison officers and through the setting-up of a crisis room, in which the security and intelligence bodies participate.

1.12 El Salvador states, in its third report (at page 3), that "to combat the complex phenomenon of terrorism special legislation should be enacted". The CTC would appreciate it if El Salvador could provide it with an outline of the steps which El Salvador intends taking in this regard.

Steps include coordination between the legislative and executive branches to coordinate and evaluate legal provisions, such as the legal definition of offences covered by international conventions to combat terrorism, severe penalization of such offences, granting of powers to the bodies responsible for their implementation and legal assistance between States.

Firstly, the Inter-agency Group against Terrorism (GRICTE) carried out a diagnostic study of how national legislation incorporates the provisions of the 11 conventions, agreements and protocols relating to terrorism to which El Salvador is a party, and the provisions of the Inter-American Convention against Terrorism, to which El Salvador is also a party. On the basis of the outcome of the study, it was decided to elaborate a preliminary draft counter-terrorism act. With the support of the Organization of American States, the legislature also worked on a preliminary draft counter-terrorism act. It was therefore decided to join forces and work together on one single preliminary draft; this task is currently being pursued.

1.13 In its supplementary report (at page 4), El Salvador states that its domestic legislation "contains only legal provisions of a general nature for the

investigation of terrorist acts". Could El Salvador indicate whether its laws permit, for investigative and evidentiary purposes, fighting against terrorism by resorting to undercover operations, including controlled deliveries and pseudo-purchase techniques; the use of informants (or other practices aimed at encouraging persons to supply information to the competent authorities); and the monitoring and/or interception of communications (such as the Internet, radio, audio-visual media and other advanced communications techniques)? Could El Salvador indicate whether the provisions and procedures referred to above can be used in cooperation with other States? Can intelligence data be utilized in criminal investigations? Has El Salvador taken legal and practical measures to protect, assist and support victims, witnesses or other persons who provide information concerning terrorist activities in the course of investigative and judicial proceedings?

Article 15, paragraph 4, of the Code of Criminal Procedure states that: "in cases of covert operations carried out by the National Civil Police, deceptive methods that have the exclusive aim of detecting, investigating and proving organized criminal activities will be permitted with the prior authorization in writing of the Attorney-General of the Republic".

Paragraph 5 states that: "in the course of an investigation and under the strict supervision of the Attorney-General of the Republic, it might also be authorized to incite or provoke activities in order to be able to prove the criminal acts under investigation".

These types of investigative methods also comply with article 11, paragraph 1, of the Vienna Convention of 1988. The use of informants to initiate, give impetus to and/or conclude criminal investigations is also permitted. This practice has been endorsed by the courts on several occasions.

It is also legally authorized to refrain from prosecuting one or more of the charges under investigation, in relation to one or more of those involved, when the accused contributes decisively to uncovering the involvement of other persons accused of the same crime or of a more serious one.

It is clear that any other type of incentive can be used for the accused/witnesses or other persons, provided that the information is used in compliance with the principles and rights that govern criminal proceedings in El Salvador.

All the information obtained by means of the above investigative methods may be shared with other States in the context of a criminal investigation. Police intelligence information can also be used in criminal investigations.

El Salvador has adopted legal measures to protect, support and assist victims, witnesses or other persons who collaborate in uncovering criminal activities of any kind (Procedures for the Protection of Witnesses and Experts, chap. VI).

1.14 The CTC would be pleased to receive a progress report on:

- **The review of the definition in the Penal Code of "terrorist acts";**
- **The ratification of the last of the 12 international conventions and protocols relating to terrorism to which El Salvador has yet to become a party;**

– **The enactment of a draft special act for determining the status of refugees which is currently before the Legislative Assembly;**

– **Outcome of the work of the GRICTE, which carried out "a technical evaluation of the possibility of proposing reforms to the Penal Code or of enacting a special law that would characterize the financing of terrorist acts as a serious crime" (page 5 of the supplementary report);**

– **Measures undertaken by the competent authorities in El Salvador in accordance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and on Their Disposal, the Regional Agreement on Transboundary Movements of Hazardous Wastes and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.**

El Salvador is working on the definition of terrorist acts: the concept will be included in the new special counter-terrorism act that is being elaborated.

El Salvador is a party to 11 of the conventions, agreements and protocols, and a technical analysis of relevant institutions in relation to the Convention on the Physical Protection of Nuclear Material is still being carried out.

This act came into force when it was published in the *Diario Oficial*, No. 356 of 14 August 2002.

It was concluded that it was more advisable to prepare a preliminary draft counter-terrorist act in conjunction with the Legislative Assembly rather than with the support of the Organization of American States, and the act was elaborated by taking the preliminary draft act as a starting point.

Effectiveness of customs, immigration and border control

1.15 Effective implementation of paragraphs 1 and 2 of the resolution requires effective customs and border controls to prevent and suppress the financing of terrorist activities. Does El Salvador impose controls on the cross-border movement of cash, negotiable instruments, precious stones and metals (for example, by imposing an obligation to make a declaration or to obtain prior authorization before any such movements take place)? Please provide information concerning any relevant monetary or financial thresholds.

The third paragraph of article 19 of the Money-Laundering Act states:

> Persons entering the Republic's territory by any route, irrespective of their nationality, must declare possession of cash, banker's drafts, cheques in their name or in another person's in local or foreign currency or securities that amount to one hundred thousand Salvadoran colones or more, or the equivalent in foreign currency, in accordance with local currency fluctuations. Otherwise, the total amount should be determined and, if that is not possible, a sworn declaration should be made to that effect.

Furthermore, failure to comply with the above provision is sanctioned by article 20 of said Act, which states:

> Verification of the truthfulness of declarations is left to the discretion of the Attorney-General of the Republic, in accordance with relevant regulations.

Falsehood, omission or inaccuracy in a declaration will lead to assets being withheld and the application of the corresponding criminal proceedings in accordance with the Act.

Moreover, article 21 states:

If, within thirty days following the withholding of the assets, the legality of their origin has not been reliably established, the withheld money and assets will be confiscated. If the legality of the origin is established, the person guilty of the falsehood, omission or inaccuracy will receive a fine of five per cent of the total amount of the withheld assets, which will be paid to the tax office of the Ministry of Finance.

When assets are confiscated, the Customs Service will deliver the withheld assets to the Attorney-General's Office within eight hours.

El Salvador's Customs Service imposes controls on the cross-border movement of cash, negotiable instruments, precious stones and metals by means of the Money-Laundering Act.

Persons entering the Republic's territory and having in their possession cash, banker's drafts, cheques in their name or in another person's in local or foreign currency that amount to US$ 11,428.57 or more are required to submit a Declaration on the International Transport of Currency or Monetary Instruments to the Customs Service of the Republic of El Salvador, in accordance with article 19 of said Act.

Regarding its controls, the PNC reports that there are vehicle controls in which means of transport, including buses, freight and private vehicles, are searched on a random basis for illicit materials. When they leave the country, during customs formalities, vehicles are issued a form that must be filled out with the vehicle and driver information and returned at the border. This information is then entered into a database.

Before entering the country, individuals must present immigration forms containing personal information.

1.16 El Salvador in its first report (at p. 19) refers to the "issuance of a single identity document, as from 26 November 2001, which will facilitate reliable recording of the existence and identity of individual Salvadorans, with a view to preventing identity fraud". The CTC would be pleased to have a progress report on the development of these processes.

The Single Identity Document (DUI) is the document that reliably identifies individuals in all public and private acts, both within the country and abroad, when these acts have a bearing on El Salvador.

The DUI consists of a basic, secure card containing each individual's personal data. In accordance with regulation 9 of the Organic Law of the National Register of Natural Persons (RNPN), the following information is printed on each card:

On the front:

- The Single Identity Document number, which contains a check digit;
- Expiration date of the DUI;
- Given name and surnames;

- Digital photograph of the person's face;
- Nationality and its type, stating whether it is through birth or naturalization;
- Gender;
- Region, municipality and date of birth;
- Region, municipality and date of issue of DUI;
- Digital signature of the National Register of Natural Persons (RNPN);
- Digital signature, fingerprints or "NE" (not established) code.

On the back:

- Residential address;
- Profession or occupation;
- Civil status;
- Blood type;
- Spouse's name, if married;
- Category of document;
- Bidimensional bar code;
- Postal code.

The DUI was designed as a reliable and secure document with the following, among other features:

(i) Physical and psychological properties which secure the trust of private and public entities as well as citizens in general;

(ii) Consistency and internally secure data that can be verified speedily and safely, ensuring positive identification and uniqueness in the database;

(iii) Enough security levels to reduce or forestall the possibility of duplication or forgery;

(iv) Portable, the size of a credit card and valid for at least 10 years under normal conditions of use;

(v) Control elements that can only be seen or read with special devices.

To comply with the foregoing, the physical features are built into the DUI card in several inseparable strips of high-tech plastic material. The security features are imprinted on one of them and covered by other strips, thus forming an integral frame ready, through a process of thermal dye sublimation, to be imprinted with the bio-data and photograph of each citizen. Once printed out, the front side of the card is overlaid with a holographic security film and laminated by heat sealing (regulation 8, Organic Law of RNPN).

Printing by dye sublimation adds security to the card, since the ink is absorbed by the last strip composing the card. So thin is the strip that any attempt to alter the data contained in the DUI card automatically destroys or damages it.

The DUI card has security features at various levels for verifying the authenticity or validity of the document with a view to preventing or detecting alterations, substitutions and other attempts at forgery. Those levels are the following:

- First level: security features that can be easily observed with the human eye: fine line prints, guilloche patterns, special line weaves, shaded text, Salvadoran coat-of-arms, unique and sequential numbering, holographic lamination, watermark, cameo effect, interlaced picture, data and signature;
- Second level: security features that can be seen using optical instruments or special lighting: microprints and reverse microprints, ultraviolet fluorescent ink and overlay printing;
- Third level: security features that can be verified by the process of electronically coded information (bidimensional bar codes).

The DUI issuance process is reliable, fast and uninterrupted. People must apply for and receive the DUI card in person, and written authorizations or special powers of attorney are not permitted. It is important to stress that the DUI issuance process uses the Automated Fingerprint Identification System technology (AFIS), which provides automated support for recording, storing and identifying fingerprints with a 98.5 per cent plus degree of accuracy. The system uses standard Printrak software to conduct single-to-multiple searches in a growing database with millions of entries. AFIS Printrak easily confirms whether a digitalized fingerprint exactly matches any of the specific minutiae files. The software in the advanced fingerprint processor of the data-entry workstation processes the digitized fingerprint(s) and retrieves the minutiae. Subsequently, the workstation transmits the inserted identification number to AFIS and retrieves the minutiae for corresponding prints stored in the database. The minutiae are returned to the workstation and compared with the minutiae or digitalized prints before a final determination of a hit or no-hit is made.

The informational basis for the issuance of each DUI is found in the database of all birth certificates stored in the civil status registers; the birth certificate for each citizen who initiates the application process is marked, so that it is difficult to duplicate documents having the same identity.

The main steps in the DUI issuance process are the following:

First step: Document review

The applicant submits the documents required to obtain a DUI to the information officer of the DUI service centre. The officer reviews the documentation and, if it is complete, he initials the application form, marks the time it was submitted and asks the applicant to proceed to the data-entry workstation. If the documentation is not complete, the officer informs the applicant accordingly and specifies which documents are missing. The applicant must withdraw, returning only when the documentation is complete.

Second step: Data entry

The computer operator checks that the birth certificate is recorded in the RNPN database. If not, the operator enters the principal data from the certificate into the system and digitizes the entries.

If the birth certificate is found in the database, the operator checks whether it has been marked, that is to say assigned an application or DUI number or both.

The live fingerprinting for AFIS begins with the right index finger and then the left index finger. Should the applicant be missing either of these, the operator takes two prints of the right or left index finger, as the case may be.

The information on the application form is then entered, stored in the database and an original and copy printed out for the applicant to check whether the content matches the application information. Once satisfied that this is so, the applicant signs in acknowledgement of receipt or, if unable to sign, affixes the print of the finger processed for the AFIS.

The operator prints out the heading of the 10-finger card and returns a copy of the application print-out to the applicant, who is asked to proceed to the step where all 10 fingers will be imprinted on the card.

Third step: Recording the prints of all 10 fingers

The clerk places the 10-fingerprint card in a special frame and takes the prints of all the fingers of the applicant.

Fourth step: Picture-taking and DUI print-out

This is one of the most important steps, not only because the photograph and signature are being recorded but also because it is the point where clearance for the printing of the Single Identification Document is authorized or denied.

The photographer asks the applicant for the copy of the printed application. Using the number on it, the photographer loads the data imprinted on the DUI, reads them out to the applicant to reconfirm the data and takes the prints of the same fingers that were processed earlier during the data-entry stage. Then he takes a photograph of the face and digital signature of the applicant, if the applicant is able to sign. If the applicant cannot sign, the print of the same finger as previously recorded is taken. When the system gives the clearance, the photographer prints out the DUI.

Once the photograph has been taken, the photographer gives back the application print-out and asks the applicant to proceed to the document issuance point.

Fifth step: Issuance of the DUI card

The issuing officer calls the name of the applicant and checks whether the photograph on the DUI matches the face of the applicant who comes forward to claim it.

The officer reads the DUI bar code with the help of the bar code reader, which displays the applicant's corresponding data on the screen. The operator checks whether the photograph projected by the computer matches the face of the claimant

and, in turn, whether the photograph printed on the DUI matches the computer projection and the face of the applicant.

Once the ownership of the document is established, the operator registers the DUI file number in the system and issues the DUI card to the applicant together with his personal identification card or submitted document.

The applicant is asked to review the DUI, before leaving, to make sure it contains no errors.

The formalities or procedures for DUI registration may be outlined as follows:

The first step is the personal formality whereby the applicant is issued a DUI for the first time. In this process, the applicant is assigned a single identification number which is kept for life. Every citizen goes through this process once in a lifetime.

Reissuance: this is the personal formality by which the citizen requests the reissuance of a lost, totally destroyed or partly destroyed DUI card.

Modification is the personal formality by which a citizen requests the modification of information on the DUI or in the DUI registration system. Any change in a person's civil status, academic qualifications or name will have to be proved with relevant documents.

There may be cases where an applicant changes data not contained in the DUI card, in which case the modification occurs only at the database level.

Renewal is the personal formality whereby a citizen requests the issuance of a new card to replace one that has expired.

Correction is the personal formality whereby a citizen requests the correction of an error appearing on or material information missing from the DUI through no fault of his or her own. Once such a fact is noted and proved, a new DUI must be issued at no cost to the applicant.

Any Salvadoran citizen may apply to the DUI Centres designated by RNPN and located in the following 14 regional capitals: (1) San Salvador, (2) Chalatenango, (3) Nueva San Salvador, (4) San Vicente, (5) Cojutepeque, (6) Zacatecoluca, (7) Usulután, (8) Sensuntepeque, (9) Santa Ana, (10) Ahuachapán, (11) Sonsonate, (12) San Miguel, (13) San Francisco Gotera, and (14) La Unión.

Applications may be received by the designated centres regardless of the applicant's place of birth or residence and a DUI issued in accordance with the nationwide announcement that the RNPN makes through the communication media.

DUI issuance has helped to consolidate legal and national security because of the guarantee that the holders are who they claim to be and the AFIS technology and birth certificate marking prevent the duplication of identity.

1.17 El Salvador in its first report (at p. 17) states that the monitoring of the transit of goods and persons is ensured through joint task forces made up of members of the National Civil Police and the Salvadoran armed forces, with support from the Ministry of Finance. Could El Salvador please outline the relevant legislative provisions and administrative mechanism? How does El Salvador coordinate the work of the relevant agencies, law enforcement organizations and other competent bodies charged with this work?

By executive agreement, mechanisms for armed forces support to the PNC were established; these include the Joint Task Forces (GTC), which are coordinated through the Director-General of PNC.

Currently, the plan is not operational. Toll roads are patrolled by the Road Patrol Unit of the Finance Division, which maintains permanent control over the highways.

Plans are under way to set up outposts staffed from the narcotics control, finance, transport safety, transit and other divisions which can access online information to check procedures for dealing with smuggling, human trafficking, car theft, drugs and other illicit practices (Source: Finance Division).

1.18 As regards the prevention of the movements of terrorists, the CTC would be grateful for information as to whether El Salvador has established procedures for supplying advance information concerning international cargo and passengers to its own relevant authorities as well as to those of other States, with a view to screening for prohibited cargo and suspected terrorists in advance of disembarkation?

As part of its modernization exercise, the Directorate-General of Customs Revenue has implemented the electronic mailing of waybills ahead of goods by shippers. The relevant data are recorded in the computerized customs information system and can be accessed within the Directorate, just as some customs information systems — SERTRACEN and EXPERTICIA — can be accessed by the PNC.

In agreement with the PNC, machinery with inter-agency linkages has been established, such as the Directorate-General of Migration, consular offices for countries with which El Salvador has diplomatic relations, airlines and, whenever the need arises, telephone or e-mail contact can be established to share information on a particular person, as with Interpol in El Salvador.

There are also institutional channels for receiving United Nations lists and early-warning messages from other States.

Effective of controls preventing access to weapons by terrorists

1.19 Subparagraph 2 (a) of the resolution requires each Member State, inter alia, to have in place an appropriate mechanism to deny access to weapons to terrorists. With regard to this requirement of the resolution as well as to the provisions of the Convention on the Marking of Plastic Explosives for the purpose of Detection and the International Convention for the Suppression of Terrorist Bombings, please provide the CTC with information relevant to the following questions:

(A) Legislation, regulations and administrative procedures

What laws, regulations and administrative procedures exist to exercise effective control over firearms, ammunitions and explosives in the following areas?

- **Export;**
- **Import;**
- **Transit;**

• Retransfer.

What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked:

• Small and light weapons;

• Other firearms, their parts and components and ammunition;

• Plastic explosives; and

• Other explosives and their precursors.

(B) Export Control

Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by El Salvador for the transfer of:

• Small and light weapons;

• Other firearms, their parts and components and ammunition;

• Plastic explosives;

• Other explosives and their precursors.

Please specify the export control procedures and existing mechanisms for exchange of information on the sources, routes and methods of traders in arms.

– Is it necessary to lodge and register or check the goods declaration and supporting documents relating to firearms prior to their import, export or transit movement? Are importers, exporters or third parties encouraged to provide information to customs prior to their shipment? Please also outline any appropriate mechanism for verifying the authenticity of licensing or authorization documents for the import, export or transit movements of firearms?

– Has El Salvador implemented, using risk assessment principles, any special security measures on the import, export and transit movement of firearms, such as conducting security checks on temporary storage sites, warehouses and means of transport carrying firearms, and requiring persons involved in these operations to undergo security vetting? If yes, please give details.

– Has El Salvador's customs service implemented intelligence-based risk management on borders to identify high-risk goods? Please outline the information required by customs administrations to identify high-risk consignments prior to shipment.

(C) Brokering

– What national legislation or administrative procedures exist to regulate the activities of those who engage in firearms and explosives brokering within national jurisdiction and control? Please outline the relevant procedures with regard to the registration of brokers and the licensing or authorization of brokering transactions.

- **Do your laws require disclosure on import and export licenses or authorization, or accompanying documents, of names and locations of brokers involved in the transaction?**

- **Do existing legal provisions provide for the sharing of the relevant information with foreign counterparts to enable cooperation in preventing illegal shipments of firearms, their parts and components and ammunition as well as explosives and their precursors?**

(D) Law enforcement/illegal trafficking

- **What special measures are used by El Salvador to prevent and suppress illegal trafficking in firearms, ammunitions and explosives utilized by terrorists?**

For the purposes of customs, transit occurs when goods are transferred from one customs service to another, in a container or in a closed means of transport, and protected by a customs transit declaration. Such transit is governed by customs laws on exports and imports.

The transfer of weapons does not fall within the purview of the Customs Service.

Within the context of customs procedures, the following mechanisms are employed to control the export and import of firearms, ammunition and explosives:

The items listed below require authorization from the Ministry of Defence prior to their import, in accordance with the Act on the Control and Regulation of Arms, Ammunition, Explosives and Similar Items, and its Regulations. The list shows the specific products covered by the Act, together with the corresponding article of the Act and/or Regulations.

1. Firearms.....Art. 1, Act
2. Ammunition.....Art. 1, Act
3. Explosives for ammunition.....Art. 38, Act
4. Detonator caps for ammunition.....Art. 38, Act
5. Casings.....Art. 35, Act
6. Warheads.....Art. 35, Act
7. Bullet-proof vests.....Art. 35, Act
8. Pepper spray (commercial form).....Art. 35, Act
9. Rubber bullets.....Art. 35, Act
10. Spare parts for firearms.....Art. 35, Act
11. Accessories for firearms.....Art. 35, Act
12. Explosives.....Art. 47, Act; Art. 95, Regulations
13. Similar items (pyrotechnic products and chemicals).....Art. 57 Act; Art. 98, Regulations

14. Lead.....Art. 135, Regulations

15. Industrial detonating caps.....Art. 135, Regulations

16. Industrial security equipment (respirators, masks, etc.).....Art. 135, Regulations

A list of the items considered to be similar to explosives is contained in article 98 of the Regulations on the Weapons Act, as well as in the List of Materials Used in the Manufacture of Pyrotechnic Products in El Salvador, as registered by the El Salvadoran National Fire Department.

Control over firearms, ammunition and explosives is also governed by the Act on Fees for the Issuing of Licences and Permits for the Control of Firearms, Ammunition, Explosives and Similar Items.

Decree No. 647, article 5, on regulation X of the Regulations for the Application and Interpretation of the Central American Import Duties Agreement, provides a list of import items that may be prohibited, impounded or restricted. The article defines the various types of firearms, ammunition, explosives and similar items as restricted import items that are subject to the control of the Ministry of Defence and Public Security within the terms of chapter 93 (Arms and Ammunition), section XIX, of the same Act, which is set out below:

Chapter 93

Arms and ammunition

1. The import of pistols, revolvers, shotguns and weapons cartridges requires the presentation of a permit issued by the Ministry of Defence and Public Security;

2. Revolvers and pistols of 41 calibre or higher, and silencers for all classes of firearms, may not be imported;

3. Confiscated arms and cartridges of all types, as well as incendiary, detonating or explosive substances that could be used as raw materials for the manufacture of explosives, together with asphyxiating gases, tear gas, vesicants or any other toxic gases, must be placed under the authority of the Ministry of Defence and Public Security;

4. The importing of bladed weapons requires a permit issued by the said ministry in all cases.

Sources:

- Act on the Control and Regulation of Arms, Ammunition, Explosives and Similar Items, and its Regulations;
- Act on Fees for the Issuing of Licences and Permits for the Control of Firearms, Ammunition, Explosives and Similar Items;
- Decree No. 647, Regulations for the Application and Interpretation of the Central American Import Duties Agreement;
- Decree No. 647; Notes on Import Duties, section XIX, chapter 93, Arms and Ammunition.

The Ministry of Defence is responsible for the control of all arms exports, in accordance with the provisions of articles 50 to 56 of the Act on the Control and Regulation of Arms, Ammunition, Explosives and Similar Items.

Sources:

- Legal Advisory and Research Department, Directorate-General of Customs Revenue (DGRA);
- Act on the Control and Regulation of Arms, Ammunition, Explosives and Similar Items.

Customs procedures concerning firearms do not require that information contained in goods declarations be submitted prior to their import, export or transit, unless there is a requirement for such information to be sent by electronic mail, since all imports and exports must be processed through the Internet, with the exception of those processed through the Central American Single Customs Form (FAUCA) system.

Whenever there is a requirement for goods declarations to be transmitted by electronic mail, the information contained in the declaration is first entered into the computer database of the Customs Service. The declaration is then duly presented and verified when the goods arrive at the customs checkpoint. Thus, while it is possible to register goods declarations before their import, export or transit, they may not be actually presented and verified until the goods themselves reach the checkpoint.

El Salvador does not have a mechanism for verifying the authenticity of licences or permits for the import, export or transit movements of firearms. In the event of any uncertainty, the institution issuing the permit is contacted by telephone and requested to confirm that it did in fact issue the authorization in question.

Sources:

- Legal Advisory and Research Department, DGRA;
- DPR Circular No. 38-2003, issued by DGRA.

The El Salvador Customs Service does implement security measures on temporary storage sites and warehouses during the import, export and transit movement of firearms, in accordance with articles 59 to 69 of the Regulations on the Act on the Control and Regulation of Arms, Ammunition, Explosives and Similar Items. Control over means of transport carrying firearms is governed by articles 70 and 71 of the same Act.

Sources:

- Regulations for the Act on the Control and Regulation of Arms, Ammunition, Explosives and Similar Items;
- DGRA Projects Department.

Whenever goods declarations are presented for firearms, ammunition, explosives or similar items, the practice established by the El Salvador Customs Service is to ensure that the outcome of the selection process is always "physical inspection". This ensures that the goods concerned will be more effectively inspected. The same system is used for all other goods regarded as high risk.

There is also a database of the most frequent offenders. The data are used to identify offenders who are required to select the "red" channel — that is, those who must be subjected most frequently to physical inspection.

There are other measures for detecting high-risk goods. These are implemented by other institutions, such as the National Civil Police (PNC).

Source:

- DGRA Projects Department.

With respect to the related laws, regulations and procedures, the PNC reports that it is the Constitution of El Salvador that dictates which body shall be responsible for supervising and controlling the import, export, manufacture, sale and use of firearms. Furthermore, the Penal Code typifies offences such as the possession, bearing or conveyance of military weapons and the illegal trade and storage of weapons, and there is also the Act on the Control and Regulation of Arms, Ammunition, Explosives and Similar Items, and its Regulations. The law defines the functions of each institution (PNC, Ministry of Defence) with respect to export, import, transit and transfer.

With regard to national instruments, the Penal Code typifies the hand manufacture of arms and explosives, as well as the storage, transfer and possession of this type of material. Furthermore, according to the draft special act, the Ministry of Defence is responsible for authorizing any formality related to firearms, explosives and similar items. (Source: Arms and Explosives Division.)

Although exports are covered by the special act and regulated by the Ministry of Defence, they rarely occur, since El Salvador is not a producer of firearms or explosives. However, the act does establish controls and set out the responsibilities of each institution. (Source: Arms and Explosives Division.)

With respect to international transit, an International Goods Transit Declaration (DMTI) is currently being designed, which will record the beginning and completion of transit. A time-period of 12 to 18 hours is allowed for transit, and if it is not duly completed, a search order is issued.

With respect to the verification of weapons-related goods as a control procedure, the general tendency is to use electronic mail, with the relevant data, as well as duty payments, being sent to customs authorities in advance, so that they have prior notice. The Customs Service has set up a risk-analysis unit for processing this information. (Source: Finance Division.)

As mentioned previously, the applicable laws are the Constitution; the Penal Code; and the Act on the Control and Regulation of Arms, Ammunition, Explosives and Similar Items, and its Regulations; as well as those conventions and treaties signed and ratified by El Salvador that make provisions for permits to be issued by the Ministry of Defence. Information exchange usually takes place through Interpol, or within the Ministry itself. (Source: Arms and Explosives Division.)

1.20 The CTC is aware that El Salvador may have covered some or all of the points in the preceding paragraphs in reports or questionnaires submitted to other organizations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaire as part of El Salvador's response to these matters as well as details of any efforts to

implement international best practices, codes and standards which are relevant to the implementation of resolution 1373 (2001).

See annex I.

2.1 In that context, the Committee would be pleased to hear whether there are areas in which further assistance or advice might prove beneficial to El Salvador in the steps which it is taking to implement the resolution. The CTC would also appreciate receiving information from El Salvador concerning areas where it might be in a position to provide assistance to other States in relation to the implementation of the resolution.

The executive branch, through the Inter-Agency Group against Terrorism (GRICTE) is preparing a work plan and schedule of meetings, together with the Security and Anti-Drugs Committee of the Legislative Assembly, to formulate a special counter-terrorism act. In this connection, the Government of El Salvador would be grateful for any support and advice that the Committee might wish to provide regarding the formulation of counter-terrorism laws, with a view to ensuring that El Salvador possesses an adequate legal framework for combating the scourge of terrorism.

The PNC has provided a list of the types of institutional assistance and training that will be required in counter-terrorism efforts:

- Operational intelligence in terrorism prevention and counter-terrorism;
- Assistance with police measures (investigative and intelligence-related) for the prevention and suppression of terrorism-related actions: recruitment, supply of weapons, financing, planning, perpetration of crimes, and other aspects;
- Assistance and guidance in the implementation of flexible mechanisms for the exchange of information at the regional and international levels, concerning: falsification of documents; the movements of terrorists; trafficking in arms, explosives or hazardous materials; the use of communications technology; and the threat posed by weapons of mass destruction;
- Guidance on the detection of banned persons and goods at border crossings;
- Training in counter-terrorism measures for mid-level and senior police officers, focusing on how to detect the movements of individuals engaged in terrorist activities;
- Assistance and guidance in setting up a database concerning persons and information of interest to the police in the area of terrorism,
- Comprehensive training and guidance on counter-terrorism for elite police units;
- Assistance and guidance on how to deal with acts of destabilization (terrorism), such as setting up crisis centres, inter-agency coordination, staging simulated attacks and other terrorism-related measures;
- Assistance and guidance in investigating the supply of funds, financial assets or economic resources to persons and organizations related to terrorism.